

HOUSE BILL 853

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 7;
Title 29; Title 37; Title 38; Title 39; Title 40; Title
41; Title 49; Title 55; Title 68 and Title 71, relative
to alcohol related traffic offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403(a)(1)(A)(iv), is amended
by inserting the following language in between the first and second sentences in the subdivision:

In addition to the other penalties set out for a person convicted of a second
offense violation of § 55-10-401, if the person applies for and the court orders the
issuance of a restricted motor vehicle operator's license pursuant to subsection (d), the
court shall also order the person to operate only a motor vehicle that is equipped with a
functioning ignition interlock device.

SECTION 2. Tennessee Code Annotated, Section 55-10-403(d)(1)(A)(iii), is amended
by deleting the language "a prior conviction" and substituting instead the language "two (2) or
more prior convictions".

SECTION 3. Tennessee Code Annotated, Section 55-10-403(d)(1)(B)(i)(b), is amended
by deleting the subdivision in its entirety and substituting instead the following:

(b) The person does not have two (2) or more prior convictions for a violation of §
55-10-401 or § 55-10-418 within ten (10) years of the present violation, or one (1) or
more prior convictions for a violation of § 39-13-213(a)(2), § 39-13-218 or § 39-13-106,
in this state, or a similar offense in another jurisdiction.

SECTION 4. Tennessee Code Annotated, Section 55-10-403(d)(3), is amended by
deleting the subdivision in its entirety and substituting instead the following:

(3) Any person whose motor vehicle operator's license has been revoked pursuant to subsection (a), and such person has two (2) or more prior convictions for a violation of § 55-10-401 or § 55-10-418 within ten (10) years of the present violation, or one (1) or more prior convictions for § 39-13-106, § 39-13-213(a)(2), or § 39-13-218, in this state, or a similar offense in any other jurisdiction, shall not be eligible for, nor shall the court have the authority to grant or order, the issuance of a restricted motor vehicles' operator's license.

SECTION 5. Tennessee Code Annotated, Section 55-10-403(d)(4), is amended by deleting the subdivision in its entirety.

SECTION 6. Tennessee Code Annotated, Section 55-10-412(c), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 7. Tennessee Code Annotated, Section 55-10-412(d), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 8. Tennessee Code Annotated, Section 55-10-412(e), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 9. Tennessee Code Annotated, Section 55-10-412(f), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 10. Tennessee Code Annotated, Section 55-10-412(n)(1), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 11. Tennessee Code Annotated, Section 55-10-421(c), is amended by deleting the language "§ 55-10-403(c)(4), § 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii), § 55-10-403(a)(1)(A)(iv)".

SECTION 12. Tennessee Code Annotated, Section 55-10-421(f)(1)(A), is amended by deleting the language "§ 55-10-403(c)(4) or (d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii) or § 55-10-403(a)(1)(A)(iv)".

SECTION 13. Tennessee Code Annotated, Section 55-10-422(b)(1), is amended by deleting the language "§ 55-10-403(c)(4)" and substituting instead the language "55-10-403(a)(1)(A)(iv)".

SECTION 14. Tennessee Code Annotated, Section 55-10-422(b)(2), is amended by deleting the language "§ 55-10-403(d)(4)(B)" and substituting instead the language "55-10-403(a)(1)(A)(iii)".

SECTION 15. This act shall take effect July 1, 2013, the public welfare requiring it.